

REMARKS

Applicant has carefully considered the Office Action, and respectfully submits that the subject application is now in condition for allowance based upon the amendments presented herein and the following remarks.

Status of Claims

The subject application was originally filed with 18 claims. In response to a restriction requirement, Applicant elected claims 1–7. Claims 8–18 were subsequently withdrawn by the Office. In a prior Amendment, Applicant amended claims 1, 5, and 7 and cancelled claims 3 and 4. In this Amendment, Applicant has amended claims 1, 2, and 5–7. Upon entry of this amendment, claims 1, 2, and 5–7 remain pending, with claims 8–18 withdrawn.

Summary of Office Action

In the Office Action dated March 3, 2011, the Office:

- (1) indicated that a minor informality in the Specification needed to be corrected; and
- (2) rejected claims 1, 2 and 5–7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,193,948 issued to Charmley et al. (“Charmley”).

Specification

The Office objected to the specification for use of the phrase “as claimed in claim 1.” This language has been deleted from the specification and Applicant respectfully requests that the objection be withdrawn.

Rejections Under 35 U.S.C. § 102(b)

The Office rejected claims 1, 2, and 5–7 under 35 U.S.C. § 102(b) as being anticipated by Charmley. Applicant traverses this rejection for the reasons set forth below.

Claim 1 has been amended to recite: “a first external surface extending from the open end and having a first diameter,” “a reduced diameter portion adjacent the first external surface and having a second diameter less than the first diameter,” and “an elongated external surface adjacent the reduced diameter portion having *a third diameter substantially equal to the first diameter.*” (Emphasis added.) Support for this amendment may be found in Figures 6A and 6B

and the last paragraph of p. 5. No new matter has been added. Charmley fails to meet these elements. Instead, Charmley discloses a molded plastic carburetor body 20, having a varying profile

Additionally, claim 1 has been amended to recite “a holding clamp configured as a flat plate having a substantially circular aperture formed therein and a slot extending *outwardly* from the substantially circular aperture.” (Emphasis added.) Support for this amendment may be found in Figure 5 and the second paragraph of page 6. No new matter has been added. The Office has identified an aperture (shown at 28 of Figure 4) of Charmley as meeting this limitation. However, the identified aperture is a single aperture having parallel sides and rounded ends that is shaped to receive “an acircular orientation plate 28 having opposed, flat parallel edges 30.” (See col. 2, lines 9–10.) It cannot be fairly described as “substantially circular,” nor does it have a slot “extending outwardly from the substantially circular aperture.”

Further, claim 1 has been amended to recite that “the reduced diameter portion of the tube is disposed in the slot.” Support for this amendment may be found in Figures 5 and 9, as well as the second paragraph of page 6. No new matter has been added. Charmley fails to meet this element. The slot identified by the Office receives “an acircular orientation plate **28** having opposed, flat parallel edges **30**.” (Col. 2, lines 9–10.) This portion of the molded plastic carburetor body **20** of Charmley cannot be fairly described as a “reduced diameter portion” as claimed.

For at least these reasons, Charmley fails to disclose each and every element of claim 1 as amended. Therefore, Applicant respectfully requests that the anticipation rejection of claim 1 be withdrawn.

Claims 2 and 5–7 depend, directly or indirectly from claim 1 and incorporate each and every element therein. Accordingly, Applicant respectfully requests that the anticipation rejection of these claims be withdrawn for at least the same reasons discussed above.

CONCLUSION

In view of the remarks above and the amendments presented herein, it is believed that claims 1, 2, and 5–7 are in condition for allowance and notice to such effect is respectfully requested. If the Examiner thinks a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at the phone number provided below.

If additional fees are due in connection with this Amendment, the Commissioner is authorized to charge Deposit Account No. **02-2051**, specifically identifying Docket No. **29793-1**.

Respectfully submitted,

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